

EXHIBIT 36

Redacted in its entirety

EXHIBIT 37



From: O'Quinn, Ryan <Ryan.O'Quinn@finnegan.com>
Sent: Wednesday, December 6, 2023 12:45 PM
To: Williamson, Amanda S.; Dudash, Amy M.; Sikora, Michael T.; Doukas, Maria E.; Betti, Ph.D., Christopher J.; Morishita, Jitsuro; Hache, Ph.D., Guylaine; Venegas, Ph.D., Krista Vink; NS District Court
Cc: Blumenfeld, Jack; Dellinger, Megan E.; Raich, William; Lipsey, Charles; Lipton, Alissa; Flibbert, Michael; Kim, Yoonhee; Lee, Yoonjin; McCorquindale, J. Derek; Burwell, Scott; Williamson, John; Pehrson, Kaitlyn; Lee, Eric; amanda.reeves@lw.com; Anna.Rathbun@lw.com; Graham.Haviland@lw.com; Jesse Vella; Rebecca.Rabenstein@lw.com; david.frazier@lw.com; Michael.Morin@lw.com
Subject: RE: NS v. Sarepta - D. Del. LR 7.1.1 Meet and Confer
Attachments: NS - Covenant Not to Sue - DRAFT Sarepta Edits 6 Dec REDLINE.pdf; NS - Covenant Not to Sue - DRAFT Sarepta Edits 6 Dec CLEAN.docx

[EXTERNAL EMAIL]

Amanda,

Thank you for forwarding the draft of the covenant not to sue. Sarepta has proposed some edits in the attached redline, and a clean version is also included for reference. Please let us know if we are agreed on these terms, or if you would like to meet and confer to discuss.

Regarding stipulations, Sarepta is willing to withdraw its defense of (i) no direct infringement, induced infringement, and contributory infringement of claims 1-3 of the '092 Patent, claims 1-2 of the '461 Patent, and claims 1-2 of the '106 Patent, and (ii) no induced and contributory infringement of claims 1-12 of the '741 Patent and claims 1-4 of the '217 Patent (Sarepta's 3rd Defense). Sarepta is not planning to withdraw any of the other claims or defenses that you specified.

Please provide any update on NS's positions regarding NS's actual monopolization claim under Section 2 of the Sherman Act, and NS's defenses relating to non-infringement of the UWA Patents (see D.I. 344 at 73, "First Defense"). With your response, we can prepare a stand-alone stipulation on any agreed issues.

With best regards,
Ryan

Ryan P. O'Quinn, Ph.D.
Partner

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
1875 Explorer Street, Suite 800, Reston, VA 20190-6023
571.203.2426 | fax: 202.408.4400 | ryan.o'quinn@finnegan.com | www.finnegan.com

From: Williamson, Amanda S. <amanda.williamson@morganlewis.com>
Sent: Monday, December 4, 2023 12:08 PM
To: O'Quinn, Ryan <Ryan.O'Quinn@finnegan.com>; Dudash, Amy M. <amy.dudash@morganlewis.com>; Sikora, Michael T. <michael.sikora@morganlewis.com>; Doukas, Maria E. <maria.doukas@morganlewis.com>; Betti, Ph.D., Christopher J. <christopher.betti@morganlewis.com>; Morishita, Jitsuro <jitsuro.morishita@morganlewis.com>; Hache, Ph.D., Guylaine <guylaine.hache@morganlewis.com>; Venegas, Ph.D., Krista Vink <krista.venegas@morganlewis.com>; NS District Court <NSDistrictCourt@morganlewis.com>
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<Alissa.Lipton@finnegan.com>; Flibbert, Michael <michael.flibbert@finnegan.com>; Kim, Yoonhee <Yoonhee.Kim@finnegan.com>; Lee, Yoonjin <Yoonjin.Lee@finnegan.com>; McCorquindale, J. Derek <Derek.McCorquindale@finnegan.com>; Burwell, Scott <scott.burwell@finnegan.com>; Williamson, John <John.Williamson@finnegan.com>; Pehrson, Kaitlyn <Kaitlyn.Pehrson@finnegan.com>; Lee, Eric <Eric.Lee@finnegan.com>; amanda.reeves@lw.com; Anna.Rathbun@lw.com; Graham.Haviland@lw.com; Jesse Vella <Jesse.Vella@lw.com>; Rebecca.Rabenstein@lw.com; david.frazier@lw.com; Michael.Morin@lw.com

Subject: RE: NS v. Sarepta - D. Del. LR 7.1.1 Meet and Confer

EXTERNAL Email:

Ryan,

Attached is a draft covenant not to use for the '322 and '361 patents. Please let us know if you have questions or edits. Also, do you have any updates on Sarepta's position with respect to stipulations regarding:

- Sarepta defense of (i) no direct infringement, induced infringement, and contributory infringement of claims 1-3 of the '092 Patent, claims 1-2 of the '461 Patent, and claims 1-2 of the '106 Patent, and (ii) no induced and contributory infringement of claims 1-12 of the '741 Patent and claims 1-4 of the '217 Patent (Sarepta's 3rd Defense)
- Sarepta's claims for willful infringement against NS
- Sarepta's defense of no breach of contract
- Sarepta's claims for breach of contract against NS

Best regards,
Amanda

Amanda S. Williamson

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From: O'Quinn, Ryan <Ryan.O'Quinn@finnegan.com>

Sent: Wednesday, November 29, 2023 2:19 PM

To: Williamson, Amanda S. <amanda.williamson@morganlewis.com>; Dudash, Amy M.

<amy.dudash@morganlewis.com>; Sikora, Michael T. <michael.sikora@morganlewis.com>; Doukas, Maria E.

<maria.doukas@morganlewis.com>; Betti, Ph.D., Christopher J. <christopher.betti@morganlewis.com>; Morishita,

Jitsuro <jitsuro.morishita@morganlewis.com>; Hache, Ph.D., Guylaine <guylaine.hache@morganlewis.com>; Venegas, Ph.D., Krista Vink <krista.venegas@morganlewis.com>; NS District Court <NSDistrictCourt@morganlewis.com>

Cc: Blumenfeld, Jack <JBlumenfeld@morrisnichols.com>; Dellinger, Megan E. <mdellinger@morrisnichols.com>; Raich, William <William.Raich@finnegan.com>; Lipsey, Charles <charles.lipsey@finnegan.com>; Lipton, Alissa

<Alissa.Lipton@finnegan.com>; Flibbert, Michael <michael.flibbert@finnegan.com>; Kim, Yoonhee

<Yoonhee.Kim@finnegan.com>; Lee, Yoonjin <Yoonjin.Lee@finnegan.com>; McCorquindale, J. Derek

<Derek.McCorquindale@finnegan.com>; Burwell, Scott <scott.burwell@finnegan.com>; Williamson, John

<John.Williamson@finnegan.com>; Pehrson, Kaitlyn <Kaitlyn.Pehrson@finnegan.com>; Lee, Eric

<Eric.Lee@finnegan.com>; amanda.reeves@lw.com; Anna.Rathbun@lw.com; Graham.Haviland@lw.com; Jesse Vella

<Jesse.Vella@lw.com>; Rebecca.Rabenstein@lw.com; david.frazier@lw.com; Michael.Morin@lw.com

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[EXTERNAL EMAIL]

Amanda,

We will do our best to be prepared for a discussion on these items on ninety minutes' notice, but understandably will need to confer with our client on any proposals. We disagree that Sarepta lacks basis for any of its claims.

Along the same lines, we would like to discuss the following topics for potential stipulation, for which NS has not presented adequate legal and/or factual basis:

- NS's infringement claims relating to the '361 patent and claims 5 and 10 of the '322 patent, and the covenant not to sue that was promised "in due course" on October 4th;
- NS's actual monopolization claim under Section 2 of the Sherman Act; and
- NS's defense of no direct or indirect infringement of the UWA Patents (see D.I. 344 at 73, "First Defense").

With best regards,
Ryan

Ryan P. O'Quinn, Ph.D.

Partner

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
1875 Explorer Street, Suite 800, Reston, VA 20190-6023
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From: Williamson, Amanda S. <amanda.williamson@morganlewis.com>

Sent: Wednesday, November 29, 2023 2:26 PM

To: O'Quinn, Ryan <Ryan.O'Quinn@finnegan.com>; Dudash, Amy M. <amy.dudash@morganlewis.com>; Sikora, Michael T. <michael.sikora@morganlewis.com>; Doukas, Maria E. <maria.doukas@morganlewis.com>; Betti, Ph.D., Christopher J. <christopher.betti@morganlewis.com>; Morishita, Jitsuro <jitsuro.morishita@morganlewis.com>; Hache, Ph.D., Guylaine <guylaine.hache@morganlewis.com>; Venegas, Ph.D., Krista Vink <krista.venegas@morganlewis.com>; NS District Court <NSDistrictCourt@morganlewis.com>

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Subject: RE: NS v. Sarepta - D. Del. LR 7.1.1 Meet and Confer

EXTERNAL Email:

Ryan,

NS believes that there are several claims and defenses for which Sarepta lacks sufficient legal and/or evidentiary basis that should be resolved by stipulation rather than motion practice, which we have listed below. We would like to include these in our discussion today in addition to the issues that you would like to raise with respect to the stipulations related to NS's '361 and '322 patents. They are as follows:

- Sarepta defense of (i) no direct infringement, induced infringement, and contributory infringement of claims 1-3 of the '092 Patent, claims 1-2 of the '461 Patent, and claims 1-2 of the '106 Patent, and (ii) no induced and

contributory infringement of claims 1-12 of the '741 Patent and claims 1-4 of the '217 Patent (Sarepta's 3rd Defense)

- Sarepta's claims for willful infringement against NS
- Sarepta's defense of no breach of contract
- Sarepta's claims for breach of contract against NS

Amanda S. Williamson

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amanda.williamson@morganlewis.com | www.morganlewis.com

From: O'Quinn, Ryan <Ryan.O'Quinn@finnegan.com>

Sent: Tuesday, November 28, 2023 10:43 AM

To: Williamson, Amanda S. <amanda.williamson@morganlewis.com>; Dudash, Amy M.

<amy.dudash@morganlewis.com>; Sikora, Michael T. <michael.sikora@morganlewis.com>; Doukas, Maria E.

<maria.doukas@morganlewis.com>; Betti, Ph.D., Christopher J. <christopher.betti@morganlewis.com>; Morishita,

Jitsuro <jitsuro.morishita@morganlewis.com>; Hache, Ph.D., Guylaine <guylaine.hache@morganlewis.com>; Venegas,

Ph.D., Krista Vink <krista.venegas@morganlewis.com>; NS District Court <NSDistrictCourt@morganlewis.com>

Cc: Blumenfeld, Jack <JBlumenfeld@morrisnichols.com>; Dellinger, Megan E. <mdellinger@morrisnichols.com>; Raich,

William <William.Raich@finnegan.com>; Lipsey, Charles <charles.lipsey@finnegan.com>; Lipton, Alissa

<Alissa.Lipton@finnegan.com>; Flibbert, Michael <michael.flibbert@finnegan.com>; Kim, Yoonhee

<Yoonhee.Kim@finnegan.com>; Lee, Yoonjin <Yoonjin.Lee@finnegan.com>; McCorquindale, J. Derek

<Derek.McCorquindale@finnegan.com>; Burwell, Scott <scott.burwell@finnegan.com>; Williamson, John

<John.Williamson@finnegan.com>; Pehrson, Kaitlyn <Kaitlyn.Pehrson@finnegan.com>; Lee, Eric

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<Jesse.Vella@lw.com>; Rebecca.Rabenstein@lw.com; david.frazier@lw.com; Michael.Morin@lw.com

Subject: RE: NS v. Sarepta - D. Del. LR 7.1.1 Meet and Confer

[EXTERNAL EMAIL]

Thanks Amanda. We can use the following dial-in:

(877) 304-9269

Passcode 115209

One-touch 18773049269,,115209#

Best

Ryan

Ryan P. O'Quinn, Ph.D.

Partner

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

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From: Williamson, Amanda S. <amanda.williamson@morganlewis.com>

Sent: Tuesday, November 28, 2023 11:41 AM

To: O'Quinn, Ryan <Ryan.O'Quinn@finnegan.com>; Dudash, Amy M. <amy.dudash@morganlewis.com>; Sikora, Michael

T. <michael.sikora@morganlewis.com>; Doukas, Maria E. <maria.doukas@morganlewis.com>; Betti, Ph.D., Christopher J. <christopher.betti@morganlewis.com>; Morishita, Jitsuro <jitsuro.morishita@morganlewis.com>; Hache, Ph.D., Guylaine <guylaine.hache@morganlewis.com>; Venegas, Ph.D., Krista Vink <krista.venegas@morganlewis.com>; NS District Court <NSDistrictCourt@morganlewis.com>

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Subject: RE: NS v. Sarepta - D. Del. LR 7.1.1 Meet and Confer

EXTERNAL Email:

Ryan,

That time works for us.

Amanda

Amanda S. Williamson

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From: O'Quinn, Ryan <Ryan.O'Quinn@finnegan.com>

Sent: Monday, November 27, 2023 2:56 PM

To: Williamson, Amanda S. <amanda.williamson@morganlewis.com>; Dudash, Amy M.

<amy.dudash@morganlewis.com>; Sikora, Michael T. <michael.sikora@morganlewis.com>; Doukas, Maria E.

<maria.doukas@morganlewis.com>; Betti, Ph.D., Christopher J. <christopher.betti@morganlewis.com>; Morishita,

Jitsuro <jitsuro.morishita@morganlewis.com>; Hache, Ph.D., Guylaine <guylaine.hache@morganlewis.com>; Venegas,

Ph.D., Krista Vink <krista.venegas@morganlewis.com>; NS District Court <NSDistrictCourt@morganlewis.com>

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William <William.Raich@finnegan.com>; Lipsey, Charles <charles.lipsey@finnegan.com>; Lipton, Alissa

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<Eric.Lee@finnegan.com>; amanda.reeves@lw.com; Anna.Rathbun@lw.com; Graham.Haviland@lw.com; Jesse Vella

<Jesse.Vella@lw.com>; Rebecca.Rabenstein@lw.com

Subject: NS v. Sarepta - D. Del. LR 7.1.1 Meet and Confer

[EXTERNAL EMAIL]

Counsel,

Pursuant to D. Del. LR 7.1.1, we would like to schedule a meet and confer for the parties to discuss any Daubert motions planned by either side in advance of the December 11, 2023 filing deadline, which is two weeks from today. We would also like to discuss several outstanding residual matters, including issues relating to the '361 and '322 patents. We propose a conference this Wednesday, November 29th at 3 PM ET. Please let us know if you are available.

With best regards,
Ryan

Ryan P. O'Quinn, Ph.D.
Partner

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